



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,415	09/28/2000	Wendy F. Hunter	10991850-1	8198

7590 02/26/2004

Harry F. Smith, Esq.  
Ohlandt, Greeley, Ruggiero & Perle  
One Landmark Square  
Suite 903  
Stamford, CT 06901

EXAMINER

SANBET, ZEBENE T

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/672,415

Applicant(s)

HUNTER, WENDY F.

Examiner

Zebene T Sanbet

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-4, 7-11, 14-18, 21-25, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyamoto et al. (6456391).

With regard to claim 1, Miyamoto discloses a printer user interface comprising: a display for displaying information, including messages to a user (item 49, in Fig. 2; and col. 5, lines 57-97, and col.6, lines 1-4), an input device for enabling the user to respond to the displayed messages (See for example, col.7, lines 4-9), an interface to a detachable memory, I, e, memory card, device including at least one image file (See for example, col.3, lines 55-61), and a processor coupled to said input device, said display, and to said interface, said processor responsive to a first user input to print a thumbnail of said at least one image file in the same orientation in which said image file was acquired by utilizing stored orientation information (item 22 in Fig.2 and col.3, lines 20-27).

Claims 2 and 3 are rejected the same as clime 1. As to the second and third user, it is analogous variation of what is in fact discussed above in claim 1, thus,

argument presented above for claim 1 is not repeated herein, but is incorporated by reference.

With regard to claim 4, the user interface of claim 1, wherein said at least one image file is assigned a unique identification (given the broadest reasonable interpretation, the identification I, e., Im1-Im9, does read on unique identification), in said detachable memory device, and wherein said thumbnail is printed with said unique identification (Fig. 4). Also, Applicant's attention is further invited to (Col.5, lines 3-21).

With regard to claim 7, the user interface of claim 1, wherein a printed size of said thumbnail is determined by a size of a sheet on which said thumbnail is to be printed (See for example, col.5, lines 3-8).

Claim 8 recites identical features as claim 1, and thus rejected the same as claim 1. Hence, arguments presented above for claim 1 are not repeated herein, but is incorporated by reference.

Claim 10 recites identical features as claim 3, and thus rejected the same as claim 3. Hence, argument presented above for claim 3 is not repeated herein, but is incorporated by reference.

Claim 11 is rejected the same as claim 4. Thus, argument similar to that presented above for claim 4 is equally applicable to claim 11. Hence, argument presented above for claim 11 is not repeated herein, but is incorporated by reference.

With regard to claim 14, the printer of claim 8, wherein a printed size of said thumbnail is determined by a size of a sheet on which said thumbnail is to be printed (See for example, col.5, lines 3-8).

With regard to claim 15, a method of printing images comprising the steps of: acquiring at least one image in a digital file format See for example, col. 6, lines 53-57), and printing a thumbnail of said at least one image file in the same orientation in which the image file was acquired by utilizing stored orientation information (See for example, col.3, lines 20-27).

With regard to claim 16, the method of claim 15, wherein said at least one image file is a plurality of image files forming a set of image files, said method further comprising the step of printing an index page of thumbnails of a selected subset of said plurality of image files (See for example, col. 2 lines 5-10).

With regard to claim 17. The method of claim 15, further comprising printing a specified number of thumbnails for each of said at least one image file (See for example, col. 5 lines 15-21).

Claim 18 is rejected the same as claim 4 except claim 18 is a method claim. Hence, argument presented above for claim 3 is not repeated herein, but is incorporated by reference.

With regard to claim 21, the method of claim 15, further comprising the step of determining a printed size of said thumbnail from a size of a sheet on which said thumbnail is to be printed (See for example, col.5, lines 3-8).

Claim 22 is rejected the same as claim 1. Thus argument similar to that presented above for claim 1 is not repeated herein, but is incorporated by reference. Claim 22 distinguishes from claim 1 only in that claim 22 recites a memory media, including instructions for controlling a user interface comprising a display for displaying

information, including messages to a user, an input device for enabling the user to respond to the displayed messages, an interface to a detachable memory device including at least one image file, a processor coupled to said input device, said display, and to said interface, said memory media comprising: means for controlling said processor to print a thumbnail of said at least one image file in the same orientation in which the image file was acquired by utilizing stored orientation information. Miyamoto (See for example, Fig. 2, item 24) teaches this feature.

With regard to claim 23, the memory media of claim 22, wherein said at least one image file is a plurality of image files forming a set of image files, and said memory media further comprises means for controlling said processor to print an index page of thumbnails of a selected subset of said plurality of image files (See for example, col. 2 lines 5-10).

With regard to claim 24, the memory media of claim 22, further comprising means for controlling said processor to print a specified number of thumbnails for each of said at least one image file (See for example, col. 5 lines 15-21).

Claim 25 is rejected the same as claim 4. Hence, arguments presented above for claim 4 are not repeated herein, but is incorporated by reference.

With regard to claim 28, the memory media of claim 22, further comprising means for controlling said processor to determine a printed size of said thumbnail from a size of a sheet on which said thumbnail is to be printed (See for example, col.5, lines 3-8).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5,6, 12,13, 19, 20, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al., (6456391) in view of Brogliatti et al., (6564225).

With regard to claim 5, Miyamoto et al., discloses all of the claimed invention discussed above in paragraph 2, and incorporated herein by reference. Claim 5 is distinguished from claim 1 only in that it recites, "thumbnail is printed with said image number and date". However, Brogliatti et al. (See col. 8, lines 30-47) teaches this feature.

Therefore, it would have been obvious to a person of ordinary skill in the art to employ the teaching as taught by Brogliatti et al., into the system of Miyamoto et al., and to do so would at least assist the user to search the system to locate and retrieve the desired image(s) by a specific date or number.

Claim 6 is rejected the same as claim 5. Thus argument similar to that presented above for claim 5 is not repeated herein, but is incorporated by reference. Claim 6 distinguishes from claim 5 only in that it recites "image number, and said date are printed outside of a border of said thumbnail", Brogliatti et al., (See Fig. 5A) teaches this feature.

Claim 12 is rejected the same as claim 5. Thus, argument similar to that presented above for claim 5 is equally applicable to claim 12. Hence, argument similar to that presented above for claim 5 is not repeated herein, but is incorporated by reference.

Claim 13 is rejected the same as claim 6. Thus, argument similar to that presented above for claim 6 is equally applicable to claim 13. Hence, argument similar to that presented above for claim 6 is not repeated herein, but is incorporated by reference.

Claim 19 is rejected the same as claim 5 except claim 19 is a method claim. Thus, argument presented above for claim 5 is not repeated herein, but is incorporated by reference.

Claim 20 is rejected the same as claim 6 except claim 20 is a method claim. Thus, argument presented above for claim 5 is not repeated herein, but is incorporated by reference.

Claim 26 is rejected the same as claim 5. Thus, argument presented above for claim 5 is not repeated herein, but is incorporated by reference. Claim 26 distinguishes from claim 5 only in that it recites a memory media Miyamoto et al., (Fig. 2, item 24) teaches this feature.

Claim 27 is rejected the same as claim 6. Thus, argument presented above for claim 6 is not repeated herein, but is incorporated by reference. Claim 27 distinguishes from claim 5 only in that it recites a memory media Miyamoto et al., (Fig. 2, item 24) teaches this feature.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, US Patent Numbers: 5717838, 5917488, and 6166823.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zebene T Sanbet whose telephone number is 703-306-3430. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 18, 2004

Zebene T Sanbet  
Examiner  
Art Unit 2622

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600